

**MEDICAL EXAMINING BOARD  
MEETING MINUTES  
NOVEMBER 14, 2012**

**PRESENT:** James Barr; Mary Jo Capodice, DO; Jude Genereaux (*left at 2:15p.m.*); Sandra Osborn, MD; Greg Collins; Sheldon Wasserman, MD; Timothy Westlake, MD; Rodney Erickson, MD; Suresh Misra, MD, Timothy Swan, MD

**EXCUSED:** Sridhar Vasudevan, MD; Kenneth Simons, MD; Gene Musser, MD

**STAFF:** Tom Ryan, Executive Director; Matthew Niehaus, Bureau Assistant; and other Department Staff

**CALL TO ORDER**

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:02 a.m. A quorum of ten (10) members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- **CHANGE** the agenda item titled “Reviewing applications and conducting oral examinations of eight (8) candidates for licensure” on page 4 of the Agenda to “Reviewing applications and conducting oral examinations of nine (9) candidates for licensure”
- Item “I” (Open session) **ADD** the agenda item titled “Prescription Drug Monitoring Program Update”
- Item “W” (Closed session) **ADD** the agenda item titled “W-1-a: Edward J. Rosenthal, M.D. (11 MED 314)”
- Item “W” (Closed session) **ADD** the agenda item titled “W-1-b: Richard M. Roach, M.D (12 MED 149)”
- Item “W” (Closed session) **ADD** the agenda item titled “W-1-c: George P. Boyum, M.D. (12 MED 322)”

**MOTION:** Jude Genereaux moved, seconded by Sandra Osborn, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 17, 2012 AND OCTOBER 30, 2013**

**MOTION:** Sandra Osborn moved, seconded by Jude Genereaux, to approve the minutes of October 17, 2012 and October 30, 2012 as published. Motion carried unanimously.

**DISCUSSION AND APPOINTMENT OF ALTERNATE MONITORING LIAISON**

Sheldon Wasserman appointed Mary Jo Capodice to serve as the alternate monitoring liaison.

## **DISCUSSION AND CONSIDERATION OF WIS. ADMIN. CODE RULE WRITING**

### **Aiding or abetting the practice of medicine**

**MOTION:** Tim Westlake moved, seconded by Sandra Osborn, to amend the language in Wis. Admin. Code s. MED 10 regarding aiding or abetting the practice of medicine to “Aiding or abetting the practice of medicine by an unlicensed, incompetent, or impaired person or allowing another person or organization to use his or her license to practice medicine. This provision does not prohibit a Wisconsin physician or any other practitioner subject to this rule from providing outpatient services ordered by a physician licensed in another state if the physician who wrote the order saw the patient in the state in which the physician is licensed and the physician who wrote the order remains responsible for the patient.” Motion carried. *Two no votes were made.*

### **Physician as expert witness**

**MOTION:** Tim Swan moved, seconded by Suresh Misra, to accept the language of Wis. Admin. Code s. MED 10 regarding physician as an expert witness as “Knowingly giving false, fraudulent, or deceptive testimony while serving as an expert witness.” Motion carried unanimously.

### **False statements**

**MOTION:** Tim Swan moved, seconded by Rodney Erickson, to amend the language of Wis. Admin. Code s. MED 10 regarding false statements to “Negligently or recklessly making any false statement, written or oral, in the practice of medicine and surgery, which is intended to deceive, defraud or mislead.” Motion carried unanimously.

### **Fraudulent acts**

**MOTION:** Sandra Osborn moved, seconded by Rodney Erickson, to accept the language of Wis. Admin. Code s. MED 10 regarding fraudulent acts as “Engaging in any act of fraud, deceit, or misrepresentation, including acts of omission, to the Medical Examining Board or any person acting on the Board’s behalf.” Motion carried unanimously.

### **Medical director standard**

**MOTION:** Rodney Erickson moved, seconded by Tim Swan, to accept the language of Wis. Admin. Code s. MED 10 regarding medical director standard as “Violation of the standard of minimal competence to practice medicine and surgery while serving as medical director or physician who delegates and supervises services performed by non-physicians as set out in Wis. Admin Code § BC 2.03, including aiding or abetting any person’s violation of Wis. Admin Code § BC 2.03.)” Motion carried unanimously.

### **Reasonable skill and safety**

**MOTION:** Tim Westlake moved, seconded by Sandra Osborn, to amend the language of Wis. Admin. Code s. MED 10 regarding reasonable skill and safety to:

“Practicing or attempting to practice under any license when unable or unwilling to do so with reasonable skill and safety.

- a. A certified copy of an order issued by a court of competent jurisdiction finding that a person is mentally incompetent is conclusive evidence that the physician was, at the time the order was entered, unable to practice medicine and surgery with reasonable skill and safety to patients.”

Motion carried unanimously.

### **Transfer patient healthcare records**

**MOTION:** Suresh Misra moved, seconded by Tim Swan, to amend the language of Wis. Admin. Code s. MED 10 regarding transfer patient healthcare records to “Failure to comply with state and federal laws regarding access to patient health care records.” Motion carried unanimously.

### **Practicing in another jurisdiction**

**MOTION:** Tim Westlake moved, seconded by Greg Collins, to amend the language of Wis. Admin. Code s. MED 10 regarding practicing in another jurisdiction to “Practicing medicine in another state or jurisdiction without appropriate licensure. A physician has not violated this provision if, after issuing an order for services that complies with the laws of Wisconsin, his or her patient requests and the services ordered are provided in another state or jurisdiction in violation of the laws of that state or jurisdiction.” Motion carried unanimously.

*11:12a.m. Appearance by Katie Koschnick to discuss practice questions and position statements*

*11:31a.m. Appearance by Chad Zadrazil to update on the Prescription Drug Monitoring Program*

## **SCREENING PANEL REPORT**

Rodney Erickson reported twenty-seven (27) cases were screened. Eleven (11) cases were opened and one (1) administrative order was sent.

## CLOSED SESSION

**MOTION:** Sandy Osborn moved, seconded by Suresh Misra, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Roll Call Vote: James Barr-yes; Mary Jo Capodice, DO-yes; Jade Genereaux-yes; Sandra Osborn, MD-yes; Greg Collins-yes; Timothy Westlake, MD-yes; Rodney Erickson, MD-yes; Suresh Misra, MD-yes; Timothy Swan, MD-yes; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:44 a.m.

## FULL BOARD ORAL EXAMINATION

*Farid A. Ahmad appeared before the Board at 11:59 a.m.*

**MOTION:** Tim Westlake moved, seconded by Tim Swan, to deny the request of Farid A. Ahmad for full licensure. **Reason for Denial:** The Board finds that Applicant is not qualified for licensure pursuant to Wisconsin Statute 448.05, 448.06(2.) Motion carried unanimously.

## APPLICATION MATTERS

**MOTION:** Sandra Osborn moved, seconded by Jude Genereaux, to find that Aeyal Raz, M.D.'s post-graduate training is equivalent to a year of ACGME accredited training, and grants licensure when all requirements are met. Motion carried unanimously.

## DELIBERATION ON MONITORING MATTERS

*Jon M. Burch appeared before the Board at 12:20 p.m.*

### **Jon M. Burch, M.D. – Requesting Permission to Apply for Re-Registration**

**MOTION:** Suresh Misra moved, seconded by Jude Genereaux, to grant the request of Jon M. Burch, M.D., to qualify for re-registration upon Applicant's successful completion of the statutes and rules examination if Applicant meets all other requirements for licensure within one year of the date of the order. Motion carried unanimously.

### **Michael N. Mangold, M.D. – Petition for Full Licensure**

**MOTION:** Tim Swan moved, seconded by Sandra Osborn, to deny the request of Michael N. Mangold, M.D., for removal of limitations. Further, the Board finds that the Respondent has failed to comply with the terms and conditions of the current Board order. Failure to come into compliance within 30 days of the date of this order shall result in suspension of licensure without further notice or hearing. **Reason for Denial:** Failure to comply with the terms and conditions of the current Board order. Motion carried unanimously.

### **Michael S. Moore, M.D. – Requesting Full Licensure**

*Jude Genereaux served as Chair during deliberation.*

**MOTION:** Sandra Osborn moved, seconded by Mary Jo Capodice, to grant the request of Michael S. Moore, M.D., for full licensure. Motion carried.

*Sheldon Wasserman recused himself from voting in the matter of Michael S. Moore, M.D.  
James Barr was absent from voting in the matter of Michael S. Moore, M.D.*

### **DELIBERATION AND PETITION OF ORDER FOR MENTAL EXAMINATION IN THE MATTER OF A.M.**

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to grant the petition to issue an order in the matter of A.M. Motion carried unanimously.

### **ORDER FIXING COSTS**

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to adopt the Order Fixing Costs in the matter of Roger A. Pellman, M.D.. Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to adopt the Order Fixing Costs in the matter of Chinelo S. Ude, M.D.. Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Tim Westlake, to adopt the Order Fixing Costs in the matter of Anthony G. Peters. Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to adopt the Order Fixing Costs in the matter of Amjad Butt, M.D.. Motion carried unanimously.

### **PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Gerhard K Kraske, M.D. (12 MED 237.) Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Alan C. Schold, M.D. (12 MED 209.) Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Kevin D. Krembs, M.D. (12 MED 183.) Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by James Barr, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Mark Fantauzzi, D.O. (12 MED 021.) Motion carried unanimously.

**MOTION:** James Barr moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against David A. Van De Loo, M.D. (12 MED 316.) Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Edward J. Rosenthal, M.D. (11 MED 314.) Motion carried.

*Sheldon Wasserman recused himself from deliberation in the matter of Edward J. Rosenthal, M.D. Jude Genereaux served as Chair during deliberation.*

**MOTION:** Suresh Misra moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Richard M. Roach, M.D. (12 MED 149.) Motion carried.

*Tim Swan recused himself from deliberation in the matter of Richard M. Roach, M.D.*

**MOTION:** Jude Genereaux moved, seconded by Sandra Osborn, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against George P. Boyum, M.D. (12 MED 322.) Motion carried unanimously.

*Jude Genereaux left the room at 2:15 p.m.*

**MOTION:** Tim Swan moved, seconded by Greg Collins, to adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against John M. Hale, M.D. (11 MED 331.) Motion carried unanimously.

**MOTION:** Tim Swan moved, seconded by Mary Jo Capodice, adopt the Findings of Fact, Conclusions of Law, Final Decisions and Orders in the disciplinary proceedings against Donald R. Beaver, D.O. (12 MED 193.) Motion carried unanimously.

### **CASE CLOSINGS**

**MOTION:** Tim Swan moved, seconded by Tim Westlake, to close the case #11 MED 101 for Prosecutorial Discretion (P1). Motion carried unanimously.

**MOTION:** Tim Westlake moved, seconded by Rodney Erickson, to close the case #11 MED 166 for Insufficient Evidence (IE). Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to close the case #11 MED 207 for No Violation. Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to close the case #11 MED 385 for No Violation. Motion carried unanimously.

**MOTION:** Tim Swan moved, seconded by Rodney Erickson, to close the case #11 MED 426 for Insufficient Evidence (IE). Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Tim Westlake, to close the case #12 MED 075 for Prosecutorial Discretion (P7). Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Sandra Osborn, to close the case #12 MED 078 for No Violation. Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Mary Jo Capodice, to close the case #12 MED 091 for Prosecutorial Discretion (P5 with a flag). Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to close the case #12 MED 098 for Prosecutorial Discretion (P6). Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Rodney Erickson, to close the case #12 MED 158 for No Violation. Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by James Barr, to close the case #12 MED 180 for Insufficient Evidence (IE). Motion carried unanimously.

**MOTION:** Suresh Misra moved, seconded by Rodney Erickson, to close the case #12 MED 200 for No Violation. Motion carried unanimously.

**MOTION:** Sandra Osborn moved, seconded by Mary Jo Capodice, to close the case #12 MED 223 for No Violation. Motion carried unanimously.

**MOTION:** Tim Swan moved, seconded by Suresh Misra, to close the case #12 MED 229 for No Violation. Motion carried unanimously.

**MOTION:** Rodney Erickson moved, seconded by Suresh Misra, to close the case #12 MED 234 for Prosecutorial Discretion (P7). Motion carried unanimously.

**MOTION:** Mary Jo Capodice moved, seconded by Suresh Misra, to close the case #12 MED 261 for No Violation. Motion carried unanimously.

**MOTION:** Jude Genereaux moved, seconded by Suresh Misra, to close the case #12 MED 272 for Compliance Gained (P2). Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Sandra Osborn moved, seconded by Suresh Misra, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:18 p.m.

### **RATIFY ALL LICENSES AND CERTIFICATES**

**MOTION:** Suresh Misra moved, seconded by Tim Westlake, to ratify all licenses and certificates as issued. Motion carried unanimously.

*Sheldon Wasserman recused himself from deliberation in the matters of Edward J. Rosenthal, M.D. and Michael S. Moore, M.D.*

*Tim Swan recused himself from deliberation in the matter of Richard M. Roach, M.D.*

### **ADJOURNMENT**

**MOTION:** Greg Collins moved, seconded by Suresh Misra, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:20 p.m.